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10/561,653	06/02/2006	Todd Garrett Simpson	ZICO0013	7857
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GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			EXAMINER LAM, VINH TANG	
			ART UNIT 2629	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eptomatters@glenn-law.com

Office Action Summary

Application No.

10/561,653

Applicant(s)

SIMPSON ET AL.

Examiner

VINH T. LAM

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims **1-2, 4-8, and 10-28** are rejected under 35 U.S.C. 102(e) as being anticipated by **Longe et al. (PGPub. No. 2004/0070567 having Provisional Application No. 60/461735 filed Apr. 09, 2003).**

Regarding Claim 1, (Currently Amended) **Longe et al.** teach a text symbol entry system, comprising:

a display ([0037], FIG. 2, i.e. 120) visually divided into a plurality of at least two functional areas including:

a first functional area for displaying selected characters ([0045], FIG. 2, i.e. 220);
second functional area for displaying candidate characters corresponding to a second aspect of entering text symbols ([0045], [0046], FIG. 2, i.e. 224); and

a third functional area ([0037], FIG. 2, i.e. 130) for displaying at least a first stroke category and a second stroke category ([0037]-[0044], FIGS. 2 & 3);

an indicator system operable by one human digit ([0032], FIG. 1, i.e. 110), the indicator system having at least a first cardinal state, a second cardinal state and a third cardinal ([0032], [0039], FIGs. 4A & 4B, i.e. 4-way directional; "A", "H", "N", & "U");

a processor ([0028], FIG. 1, i.e. 140) responsive to each cardinal state ([0028], FIG. 1, i.e. inherently responds to motion, direction, and selection of the indicator and others functions), whereby the indicator system is used to select between candidate characters in the second functional area ([0033]-[0039], FIG. 4B) and to select between said first stroke category and said second stroke category in the third functional area ([0035]-[0039], FIGs. 2, 3, & 5);

a program ([0028], FIG. 1, i.e. 148) controlling the processor so that characters are entered for display in the first functional area in response to a user ([0026], FIG. 2):

indicating at least one desired stroke category from among the first stroke category and the second stroke category ([0044]-[0046], FIG. 5, i.e. numeral or alphabetical characters) by moving the indicator system into the first cardinal state (FIG. 5) or second cardinal state (FIG. 4B), thereby causing the program to display at least two candidate characters in the second functional area, wherein said at least two candidate characters are formed, at least in part ([0045], FIG. 2, i.e. "home" and "good"), by a stroke represented by the desired stroke category ([0037]-[0044], FIGs. 2 & 3, i.e. 130); and

indicating which of the at least two candidate characters the user wants displayed in said first functional area ([0026], [0046], FIG. 2, e.g. "home" is selected and moved to area 220).

Regarding Claim 2, (Currently Amended) **Longe et al.** teach the text symbol entry system of claim 1, wherein:

the first cardinal state is activated by applying a force ([0030], ([0031], FIG. 2, *i.e.* "tilt" or "touch") to said indicator system to a first location ([0045], FIG. 5) ;

the second cardinal state is activated by applying a force ([0030], ([0031], FIG. 2, *i.e.* "tilt" or "touch") to said indicator system to a second location ([0039], FIG. 4B); and

the third cardinal state is activated by identifying a third location, the third location being located between the first location and the second location ([0029], FIG. 5, *i.e.* "center").

Regarding Claim 4, (Currently Amended) **Longe et al.** teach the text symbol entry system of claim 2, wherein identifying the third location is accomplished by applying a force ([0030], ([0031], FIG. 2, *i.e.* "tilt" or "touch") to said indicator system to the third location (*i.e.* inherently).

Regarding Claim 5, (Previously Presented) **Longe et al.** teach the text symbol entry system of claim 1, wherein the text symbol entry system has a first mode and a second mode, wherein;

when the text entry system is in the first mode, the first cardinal state has a textual meaning associated with it ([0039], FIG. 4B), and

when the text entry system in the second mode, the first cardinal state has a different meaning associated with it ([0034]).

Regarding Claim 6, (Previously Presented) **Longe et al.** teach the text symbol entry system of claim 5, wherein the different meaning is a different textual meaning ([0034], i.e. "choice of suffixes").

Regarding Claim 7, (Previously Presented) **Longe et al.** teach the text symbol entry system of claim 5, wherein the different meaning is not a textual meaning ([0034], i.e. "scrolls").

Regarding Claim 8, (Previously Presented) **Longe et al.** teach the text symbol entry system of claim 7, wherein the different meaning is a navigational meaning ([0034], i.e. "scrolls").

Regarding Claim 10, (Previously Presented) **Longe et al.** teach the text symbol entry system of claim 5, wherein when the text symbol entry system is in the first mode, the first cardinal state is used to select a first category of text symbol and the second cardinal state is used to select a second category of text symbol ([0045], FIG. 5).

Regarding Claim 11, (Previously Presented) **Longe et al.** teach the text symbol entry system of claim 1, wherein the first cardinal state is used to select a first category of text symbol and the second cardinal state is used to select a second category of text symbol ([0045], FIG. 5).

Regarding Claim 12, (Previously Presented) **Longe et al.** teach the text symbol entry system of claim 11, wherein the first cardinal state is used to select a first category of text symbol and the second cardinal state is used to select a second category of text symbol, wherein the first category of text symbol includes symbols

having a first feature and the second category of text symbol includes symbols having a second feature ([0045], FIG. 5).

Regarding Claim 13, (Previously Presented) **Longe et al.** teach the text symbol entry system of claim 12, wherein a symbol having both the first feature and the second feature is included in both the first category and the second category ([0045], FIG. 5).

Regarding Claim 14, (Previously Presented) **Longe et al.** teach the text symbol entry system of claim 1, wherein the indicator system includes a position indicator and selection of one of the cardinal states is accomplished by detecting a position of the position indicator ([0031]).

Regarding Claims 15 and 22, (Currently Amended) **Longe et al.** teach a method of entering text symbols, comprising:

providing a display ([0037], FIG. 2, i.e. 120) [divided into (Claim 22)] [having (Claim 15)] a plurality of functional areas ([0045], FIG. 2, i.e. 130, 220, & 224) wherein a first functional area displays candidate text symbols ([0045], [0046], FIG. 2, i.e. 224) [which comprise completed text symbols that have strokes associated with first and second stroke categories ([0045], [0046], FIG. 2, i.e. "home" or 224 having "h", "o", "m", and "e" of 130) (Claim 22)] and a second functional area displays selected text symbols ([0045], FIG. 2, i.e. 220) [, and the display further comprises stroke display area ([0037], FIG. 2, i.e. 130) for displaying symbols identifiable by first and second cardinal states ([0032], [0039], FIGs. 4A & 4B, i.e. 4-way directional; "A", "H", "N", & "U") (Claim 22)] and a third functional area ([0037], FIG. 2, i.e. 130) [displays at least a first

stroke category (Claim 15)] [for displaying at least one stroke category (Claim 22)] and a second stroke category ([0037]-[0044], FIGs. 2 & 3);

providing an indicator system operable by one human digit ([0032], FIG. 1, i.e. 110), the indicator system having a first cardinal state, a second cardinal state, and a third cardinal state ([0032], [0039], FIGs. 4A & 4B, i.e. 4-way directional; "A", "H", "N", & "U");

providing a processor ([0028], FIG. 1, i.e. 140) operably connected to the indicator system ([0028], FIG. 1);

activating the first cardinal state to indicate at least one desired stroke category from among the first stroke category and the second stroke category ([0044]-[0046], FIG. 5, i.e. numeral or alphabetical characters) by moving the indicator system into the first cardinal state or second cardinal state (FIG. 4B), thereby causing the program to display at least two candidate characters in the second functional area, wherein said at least two candidate characters are formed, at least in part, ([0045], FIG. 2, i.e. "home" and "good"), by a stroke represented by the desired stroke category ([0037]-[0044], FIGs. 2 & 3, i.e. 130); and

indicating which of the at least two candidate characters the user wants displayed in said first functional area ([0026], [0046], FIG. 2, e.g. "home" is selected and moved to area 220).

Regarding Claims 16 and 23, (Currently Amended/Original) Longe et al. teach the method of claims 15 and 22 respectively, further comprising displaying a

representative symbol, the representative symbol corresponding to the first stroke category (*[0035]*).

Regarding Claims **17** and **24**, (Currently Amended/ Previously Presented)

Longe et al. teach the method of claim 15 and 22 respectively, further comprising displaying in the first functional area [a text symbol (Claim 22)] [text (Claim 17)] having one of the symbols corresponding to the first [stroke (Claim 17)] category (*[0035]*).

Regarding Claims **18** and **25**, (Currently Amended/ Previously Presented)

Longe et al. teach the method of claims 17 and 24 respectively, further comprising:

activating the second cardinal state to indicate to the processor selection of a second stroke category of text symbol to be entered, the second [stroke (Claim 18)] category including symbols used to create [a plurality of (Claim 25)] text [symbols (Claim 25)] (*[0045]*, *FIG. 5*); and

displaying in the first functional area [a (Claim 25)] text [symbol (Claim 25)] having one of the symbols corresponding to the first [stroke (Claim 18)] category and one of the symbols corresponding to the second [stroke (Claim 18)] category (*[0045]*, *FIG. 2*, i.e. *"home"* and *"good"*).

Regarding Claims **19** and **26**, (Previously Presented) **Longe et al.** teach the method of claims 17 and 24 respectively, further comprising selecting the text symbol displayed in the first functional area (*[0026]*, *[0046]*, *FIG. 2*, e.g. *"home"* is selected in 224).

Regarding Claims **20** and **27**, (Previously Presented) **Longe et al.** teach the method of claims 18 and 26 respectively, further comprising displaying the selected

text symbol in the second functional area ([0026], [0046], FIG. 2, e.g. "home" is selected and moved to area 220).

Regarding Claims 21 and 28, (Currently Amended) the method of claim 15 and 22 respectively, further comprising:

displaying in the first functional area a first icon that represents [a (Claim 28)] text [symbol (Claim 28)] which has one of the symbols corresponding to the first [stroke (Claim 28)] category ([0026], [0046], FIG. 2, e.g. "home" is selected from 130's "h"); and

displaying in the first functional area a second icon that represents part of a text symbol ([0026], [0046], FIG. 2, e.g. "home" is selected from 130's "o"), the first icon and the second icon having the same symbols ([0026], [0046], FIG. 2, e.g. "good" is selected from 130's "o" twice).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longe et al. (PGPub. No. 2004/0070567 having Provisional Application No. 60/461735 filed Apr. 09, 2003).

Regarding Claim 3, (Previously Presented) the text symbol entry system of claim 2, wherein a fourth cardinal state is activated by activating the first cardinal

state and the third cardinal state which is an obvious Choice of Design since it is well-known in the art that a combination of keys would have changed one state to another. For example, Ctrl+C would *copy* selected element(s) and Ctrl+P would *paste* selected element(s).

Regarding Claim 9, (Currently Amended) the text symbol entry system of claim 5, wherein moving from the first mode to the second mode is accomplished by applying a force to said indicator system to the third location which is an obvious Choice of Design since it is well-known in the art that applying different kind of force would have changed the mode of a device. For example, clicking the scroll wheel then dragging the mouse would result in scrolling as rotating the scroll wheel.

Response to Arguments/Amendments/Remarks

3. Applicant's arguments with respect to claim(s) 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH T. LAM whose telephone number is (571) 270-3704. The examiner can normally be reached on M-F (7:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4704.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vinh T Lam/
Examiner, Art Unit 2629

/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629